

REMARKS

Claims 1-12 were pending.

Claims 1 and 6 are amended.

Claims 2-4 AND 12 are cancelled.

Claims 1 and 5-11 are pending.

35 USC 112, second paragraph

Claims 1-11 are rejected under 35 USC 112, second paragraph.

Claim 1 has been amended to clarify the meaning of

“residual fermentation broth components” by amending to include the limitations of claim 4. The amendment requires the microorganism to be stored in step iii) in a storage medium that comprises water and the growth medium in step ii) without recovery of the microorganism using centrifugation or filtration as a non-actively growing culture in the storage medium and the term non-actively growing culture means that the metabolism in the microorganism cells is substantially zero.

Basis for this amendment may be found on page 7, lines 18-20 and in original claim 4.

Claim 2 is cancelled so this rejection is moot.

Claim 6 is amended to read:

6. (currently amended): A method according to claim 1 in which the growth medium comprised in the storage medium of step iii) comprises urea or a urea derivative.

Support for this amendment may be found on page 10, lines 13-16.

No new matter has been added.

The applicants believe the above amendments correct the 112, second paragraph rejections.

35 USC 102(b)

Claims 1-5, 7-9 are rejected under 35 USC 102(b) as being anticipated by US 5,705,382, Endo.

Endo is directed to the stabilization of nitrile hydratase activity of microbial cells during storage. Endo does this by culturing the appropriate microorganism, collecting the resulting cells by centrifugation and washing, and then mixing the cell suspension with an aqueous solution of inorganic salts. The cells of Endo are preserved as a suspension or immobilized in an aqueous medium consisting of a neutral or weakly basic aqueous solution of inorganic salts having a molarity ranging from 100 mM to the saturation concentration of said inorganic salts. That is, Endo teaches the addition of a stabilizing agent for preservation of the cells. There is no suggestion in Endo to store the microorganism in the growth medium in step ii). Indeed, Endo washes and centrifuges the microorganisms after culturing to remove the growth medium.

All examples confirm processing by centrifuge to remove the growth medium.

To summarize:

Endo teaches removal of the growth medium and processing via centrifuge before storing the microorganism. Endo makes no suggestion to do otherwise.

In contrast, the present claims require storage of the microorganism in the growth medium without recovery of the microorganism using centrifugation or filtration. Thus, the present claims cannot be anticipated in light of Endo.

35 USC 103(a)

Claims 1-11 are rejected under 35 USC 103(a) as being unpatentable over US 5,705,382 (Endo), in view of Nagasawa and US 5,089,411 (Yamada).

As stated above, Endo teaches the **removal** of the growth medium before storage. Endo teaches to wash and **centrifuge** the microorganisms after culturing to remove the growth medium. In contrast, the present claims require storage in the growth medium without recovery of the microorganism using centrifugation or filtration.


As Endo fails to suggest storage of the microorganism in the growth medium and further teaches removal of the growth medium by washing and centrifuging and neither Yamada or Nagasawa make up for the deficiencies of Endo, this rejection does not meet the statutory requirements of 35 USC 103(a) and this rejection is overcome.

Reconsideration and withdrawal of the rejection of claims 1, 5-11 is respectfully solicited in light of the remarks and amendments *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 1, 5-11 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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